IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7360 of 2005

Between:

K. Manohar Reddy, S/o. K. Samba Reddy,
r/o. 3-43-145, Krishnapuri Colony, West Maredpally, Secunderabad - 26

... PETITIONER

AND

1 Authorised Officer, Office of the Regional Provident Fund Commissioner, Hyderabad.
2 Recovery Officer, Employees Provident Fund Organisation, Barkatpura, Hyderabad - 500 027

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the writ of Mandamus declaring the action of the 2nd Respondent in issuing the exparte proceedings No. AP/23015/R.Cell/Rc.No. 141/1451 dt.
24-3-2005 as arbitrary, illegal and unjust and consequently direct the respondents to consider the objections dt. 16-3-2005 filed by the petitioner before the 1st Respondent.

Counsel for the Petitioner: MR.R.K.SURI

Counsel for the Respondents: MR.R.N.REDDY (SC FOR EMPLOY'S PF ORG.)

The Court at the stage of admission made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.7360 OF 2005

ORDER :

This writ petition is filed seeking a declaration that the action of the second respondent – Recovery Officer in issuing the proceedings under Section 7-B of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (for short, 'the Act') dated 24-03-2005 as arbitrary and illegal.

When the matter is taken up for consideration, the learned Counsel for the petitioner submitted that the petitioner intends to challenge the original order passed under Section 7-A of the Act by working out the remedy of appeal as provided under Section 7-I of the Act.

Having heard the learned Counsel for the petitioner and Sri R.N.Reddy, the learned Counsel appearing for the respondents, and having regard to the facts and circumstances of the case, the Writ Petition is disposed of granting leave and liberty to the petitioner to prefer an Appeal against the order dated 31-07-2003 passed

under Section 7-A of the Act. If any such appeal is preferred within a period of four weeks from today, the appellate authority is directed to entertain the same and pass appropriate orders in accordance with law. Pending such appeal, there shall be interim stay of all further proceedings in pursuance of the order dated 31-07-2003 subject to the condition that the petitioner deposits 50% of the amount demanded in the said order within a period of six weeks from today.

The Writ Petition is accordingly disposed of. No costs.

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12th April, 2005.

gbs

To

1 Authorised Officer, Office of the Regional Provident Fund Commissioner, Hyderabad.
2 Recovery Officer, Employees Provident Fund Organisation, Barkatpura, Hyderabad - 500 027

3 Two C.D. copies.